

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #2	CCRB Case #: 202005356	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/02/2020 8:30 PM	Location of Incident: East 69th Street and Fifth Avenue	Precinct: 19	18 Mo. SOL 12/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 06/06/2020 3:30 PM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Wed, 06/24/2020 11:18 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Daniel Beddows	07398	926556	GVSD Z2
2. INS Brian Gill	00000	904030	F S S

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b)	

Case Summary

On June 24, 2020, the CCRB received the following case from IAB via original log number 20-15262, which was reported by Sergeant Lesly Charles of IAB on the behalf of § 87(2)(b) on June 6, 2020 (Board Review 01).

On June 2, 2020, at approximately 8:30 PM, § 87(2)(b) was at Fifth Avenue and East 69th Street in Manhattan with several dozen other individuals who had participated earlier in demonstrations against police brutality. Along with the rest of the group, § 87(2)(b) was in process of walking north to his home in upper Manhattan. The demonstration had already concluded and all protest activity had ceased. However, several officers on foot suddenly began following the rear of the procession, where § 87(2)(b) was located, and ordered everyone to comply with the Mayor's curfew order and go home. An unidentified officer approached § 87(2)(b) from behind, pushed him forward repeatedly, and ordered him to walk faster. § 87(2)(b) explained to that he was unable to do so due to injury and fatigue. At this time officers began to handcuff some of the other individuals near § 87(2)(b). The unidentified officer behind § 87(2)(b) proceeded to do the same to him: without warning, and without issuing any commands, the officer pushed § 87(2)(b) to the ground, pulled his arms around his back, and handcuffed him (**Allegation A: Force – § 87(2)(g)**). The officer then escorted § 87(2)(b) to a nearby prisoner van and left him there without further information. § 87(2)(b) was eventually transported to a mass arrest processing center at One Police Plaza and released later that night with a summons for curfew violation issued by Detective Daniel Beddows of the Gun Violence Suppression Division (Board Review 09).

The NYPD Legal Bureau found no body-worn camera (BWC) footage related to this incident (Board Review 08). A relevant video clip and a photograph was obtained from witness § 87(2)(b) (Board Review 05-06). Due to news media coverage of § 87(2)(b)'s allegations, this case was added to the CCRB's sensitive case list (Board Review 02).

Findings and Recommendations

Allegation (A) Force – Physical Force: Officer used physical force against § 87(2)(b)

Known Facts and General Descriptions

§ 87(2)(b) was interviewed by telephone on June 29, 2020 (Board Review 03). § 87(2)(b) was interviewed by telephone on August 10, 2020 (Board Review 04).

Inspector Brian Gill of the Firearms Suppression Division was interviewed on October 6, 2020 (Board Review 18).

§ 87(2)(b) stated that on June 2, 2020, he participated in various demonstrations against police brutality throughout Brooklyn and Manhattan. As evening came, the demonstration slowly disbanded at Times Square, at which point § 87(2)(b) – along with approximately three dozen other protestors – decided to end their activities and return to their respective homes. § 87(2)(b) and the protestors walked north from Times Square and up the eastern side of Central Park, via Fifth Avenue. By 8:00 PM, § 87(2)(b) and the group – aware that the curfew order had gone into effect – were no longer engaged in any form of verbal or physical protest activity. § 87(2)(b) was at the rear of end of the procession. His friend § 87(2)(b) was also present but somewhere ahead of him in the crowd. § 87(2)(b)'s arm had been fractured a few days prior and he was especially fatigued by the pain in his arm.

§ 87(2)(b) did not recall encountering any notable police presence as the group had walked from Times Square. But within a few minutes after 8:00 PM, as he was passing East 69th Street on Fifth Avenue, § 87(2)(b) realized that officers were now following the group, either on foot or in police vehicles. Soon thereafter, about six of the officers on foot caught up with the rear of the procession and loudly ordered everyone to comply with the curfew order and keep moving north. Everyone around § 87(2)(b) including himself, was already doing so and did not challenge the order in any manner. However, officers suddenly started to push individual protestors, seemingly at random, without issuing additional orders. As this was happening, § 87(2)(b) himself was pushed in the back by an unidentified officer behind him. The officer pushed § 87(2)(b) forward several more times and ordered him to “speed up.” At this point, § 87(2)(b) – without stopping and still continuing north – turned to the officer and told him that he was physically unable to walk any faster due to his injury and fatigue. The officer only reiterated the order to keep moving.

As § 87(2)(b) continued to walk with the officer behind him, he saw the surrounding officers grabbing individuals and placing them in handcuffs. The officer behind § 87(2)(b) grabbed § 87(2)(b) from behind, pushed him to the ground, pulled both of his arms forcefully around his back, and rear-cuffed him. The officer had said nothing immediately prior to making physical contact with § 87(2)(b) who remained complaint and said nothing. The officer then raised and escorted § 87(2)(b) to a police van nearby, where he was left in the custody of other officers without further information. § 87(2)(b) was ultimately removed to a mass arrest processing at One Police Plaza with several other arrested protestors and ultimately released with a summons for a curfew violation.

§ 87(2)(b)'s account of the procession uptown was inconsistent with § 87(2)(b)'s in several respects. When the curfew order went into effect at 8:00 PM, § 87(2)(b) was situated in the middle section of the group. A few minutes after 8:00 PM, § 87(2)(b) was alerted to commotion at the rear of the group, where he knew § 87(2)(b) was located. Looking closer, § 87(2)(b) saw approximately twenty or more officers in riot gear physically engaging civilians at the rear.

§ 87(2)(b) stayed where he was and observed § 87(2)(b) who appeared to be conversing with approximately three officers around him. § 87(2)(b) pulled out his cell phone at this time and began video recording the encounter from approximately 20 feet away, with a clear view of § 87(2)(b) and the officers. Just as he began to do so did so, the three officers pushed § 87(2)(b) to the ground jointly. § 87(2)(b) did not appear to do anything to prompt the officers to take this action. Once § 87(2)(b) was on the ground, the three officers gathered around him and obstructed § 87(2)(b)'s view of what happened next. § 87(2)(b) stopped recording at this point, did not approach any closer and decided to turn around and keep moving. He did not learn of what happened to § 87(2)(b) until later.

§ 87(2)(b) described the subject officer as an approximately 5’10” tall blue-uniformed “older” white male with a “chubby” build. § 87(2)(b) was unable to describe the officers he saw interacting with § 87(2)(b).

§ 87(2)(b) transmitted two media files to the investigation, which he stated captured § 87(2)(b)'s arrest. The first file is a three-second cell phone video recording that shows a large group of blue-uniformed and white-uniformed officers proceeding up Fifth Avenue past East 69th street at a gradual pace (Board Review 05). As the video ends, § 87(2)(b) appears to zoom into the center of the frame, to show a group of officers huddled together in a circle. While the officers appear to be engaged in some type of physical activity, the nature of their actions, their appearance, and their name/shield identifiers are not discernible due to the quality of the footage. No civilians can be seen at the center of the officers’ activity either.

The second media file provided by § 87(2)(b) is a screenshot that appears to capture the same scene at a different time-interval, showing approximately two to three blue-uniformed officers kneeling or bent over together as if physically engaged with someone on the ground (Board Review 06). As before, the distance to the scene and the resolution of the image is too compromised too allow for officer identification.

Body-Worn Camera Footage

The investigation submitted a request to the NYPD's Legal Bureau for body-worn camera (BWC) footage pertaining to the incident. The request yielded negative results (Board Review 08).

No NYPD TARU cameras covered the immediate vicinity of the incident location. A Google Street-View canvass showed no commercial establishments with cameras covering the intersection in question (see location map and image at Board Review 07). The investigation found no other civilian recordings of the incident.

NYPD Documents Reviewed

§ 87(2)(b)'s arrest was primarily documented on the Criminal Court Summons (C-Summons § 87(2)(b) issued to him by Detective Daniel Beddows for violating the executive curfew order, Administrative Code section 3-108 (Board Review 09). The summons notes the time and place of occurrence as 8:30 PM at East 69th Street and Fifth Avenue, and contains the following narrative: "[Arresting officer Detective Beddows] was informed by Inspector Gill that at [at the time and place of occurrence, § 87(2)(b) was in public with at least 100 [people] ... in violation of [the] Mayor's executive order."

While a search of the NYPD's Booking and Arraignments System (BADS) revealed no relevant arrests in the 19th Precinct between 7:00 PM and 10:00 PM, § 87(2)(b)'s time in custody was reflected in the June 2nd Mass Arrest Center Processing log for One Police Plaza, which showed § 87(2)(b) as being processed at 9:02 PM by Detective Beddows, along with three other summonsed individuals (Board Review 10). The 19th Precinct's C-Summons log for June 2, 2020, confirmed that all four of Detective Beddows' summonses referenced the same time and place of occurrence, East 69th Street and 5th Avenue (Board Review 11). While no other arrests were documented at this exact location, the C-Summons log showed 10 other arrests made by five different officers within the ten-block radius of the incident location between 8:00 PM and 9:00 PM.

Detective Beddows retired from the NYPD on October 7, 2020 (Board Review 16). The investigation was thus unable to interview him. In his CCRB interview, Inspector Gill – represented in the summons as Detective Beddows' source of information – denied any knowledge of or involvement with § 87(2)(b)'s arrest (Board Review 18). Det. Beddows' memo book from June 2nd lists the four summonses he issued, but otherwise notes no additional information relevant to the circumstances of their issuance, or regarding his tour at large (Board Review 23).

The NYPD did not produce any protest-related detail rosters showing assignments at or about the incident location (Board Review 15). The 19th Precinct Roll Call did not list any relevant detail assignments either (Board Review 14). The 19th Precinct Event summary and Resource Recap Log for June 2nd did not reference any arrest activity in the vicinity of the incident location between 7:00 PM and 10:00 PM (Board Review 12-13), and no Threat-Incident-Injury (TRI) reports were generated by any officer(s) involved in § 87(2)(b)'s arrest (Board Review 17).

Concurrent Investigations

A concurrent investigation into § 87(2)(b)'s allegations was conducted by Sergeant Yuriy Chuyko of the Internal Affairs Bureau's (IAB) Group 54, under IAB case FI-20200503 (Board Review 19-20). The case file shows that Sergeant Chuyko obtained interview statements from § 87(2)(b) and § 87(2)(b) (and the latter's video recording and photograph); both accounts were consistent with their CCRB statements. Sergeant Chuyko also reviewed the same NYPD documents obtained by the CCRB investigation, and discussed above, and found no additional BWC or independent video of the incident.

Ultimately, Sergeant Chuyko's report concluded that he was "unable to prove or disprove that [an unidentified member of service] in fact utilized any force against § 87(2)(b) or if the force utilized was excessive or unnecessary." (See page 162 of Board Review 19) The Group 54 case on this incident was thus closed as "Unsubstantiated."

Ranking Officers

The investigation – per Inspector Gill's CCRB interview – was only able to identify one other ranking officer as possibly being present in the general vicinity of the incident location: Deputy Chief Lori Pollock. However, Deputy Chief Pollock resigned from the NYPD on August 7, 2020, thus preventing the investigation from interviewing her (Board Review 16).

Officers Interviewed

Inspector Gill was interviewed on October 6, 2020 (Board Review 18). Inspector Gill acknowledged being present at the incident location and stated that on June 2, 2020, he was one of the "overall commanders" overseeing protest-related posts and deployments in Patrol Borough Manhattan South (PBMS). While Inspector Gill did not recognize § 87(2)(b) by name or photograph, he stated that at some time before 8:00 PM, he and his team of approximately 90 officers were made aware of a large group of protestors heading north from Times Square up 5th Avenue.

As he was responsible for crowd control in his Patrol Borough, Inspector Gill was primarily concerned with monitoring the march by following it from behind. But by 8:00 PM, as the march passed East 60th Street and 5th Avenue, the crowd began to grow in numbers and individuals became more hostile, some throwing bottles at the officers trailing them. Inspector Gill was still chiefly focused on maintaining the peace by escorting the march northwards until Patrol Borough Manhattan North (PBMN) units relieved him. Inspector Gill stated, "We weren't running around arresting everybody because it was eight o'clock."

Inspector Gill stated that the protestors were largely complying with orders issued by loudspeaker to keep moving and go home. However, at some point in time (he did not recall when) Inspector Gill stated that officers in his vicinity began arresting protestors. Inspector Gill did not recall directing any officers under his command to effect any arrests or take any related enforcement action and stated that "[individual] officers took it upon themselves to make [the] arrests." While Inspector Gill witnessed several arrests in the general area of the incident location, he denied being involved with any aspect of these encounters. Inspector Gill did not recall seeing, being made aware of, or actively using any physical force against civilians that day. Specifically, Inspector Gill did not recall witnessing, authorizing, or being physically involved in § 87(2)(b)'s apprehension.

Inspector Gill was not aware of any specific details operating in the area of the incident location. While he was aware that Deputy Chief Lori Pollock was in the general area, he did not recall her or

any other overall commanders transmitting orders regarding the arrests of protestors.

Inspector Gill confirmed that § 87(2)(b)'s cell phone footage appeared to show officers following protestors at the intersection of East 69th Street and Fifth Avenue. However, he stated that he did not recognize himself or anyone else seen in the video. Regarding the physical activity recorded in the center frame, Inspector Gill did not know what the officers were doing at that moment or with whom they were interacting.

Regarding the C-Summons issued to § 87(2)(b) Inspector Gill stated that he had no idea why his name was referenced in the narrative as the source of information for § 87(2)(b)'s arrest: he said he did not know Detective Beddows, and never spoke to him about summoning § 87(2)(b). Inspector Gill speculated that officers, including Detective Beddows, may have heard that he was an overall commander and erroneously used his name to validate the informational content of their summons narratives. As discussed earlier, both Detective Beddows and Deputy Chief Pollack left the employ of the NYPD before they could be interviewed by the CCRB about this incident.

Allegation Recitation and Disposition

Allegation (A) Force – Physical Force: An officer used physical force against § 87(2)(b)

Given the insufficient documentation surrounding § 87(2)(b)'s arrest, the fact of Detective Beddows' retirement from the NYPD, the absence of any BWC footage, and the poor quality of § 87(2)(b)'s cell phone recording, the investigation was unable to positively identify the subject officer by a preponderance of the evidence. That Inspector Gill denied any knowledge of § 87(2)(b)'s arrest, and that § 87(2)(b)'s subject officer description was too generic to establish a pool of possible candidates, further barred any meaningful route to officer identification. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Civilian CCRB History

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming injuries to his left arm and body due to assault, and the violation of his civil and constitutional rights. § 87(2)(b) is seeking ten million dollars as redress (Board Review 21).
- According to the New York State Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 22).

Squad No.: 02

Investigator: /sprakash Inv. Santosh Prakash 12/29/20
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 12/29/2020
Signature Print Title & Name Date